

SENATE BILL 1299

By Davis L

AN ACT to amend Tennessee Code Annotated, Title 63, Chapter 6, to enact the "Access to Medical Treatment Act".

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 63, Chapter 6, is amended by adding Section 2 as a new part thereto.

SECTION 2.

(a) This act shall be known and may be cited as the "Access to Medical Treatment Act".

(b) Notwithstanding any other provision of law to the contrary, and except as provided in subsection (c), an individual shall have the right to be treated for any illness or disease which is potentially life threatening or chronically disabling by a person licensed to practice medicine with any experimental or nonconventional medical treatment that such individual desires or the legal representative of such individual authorizes if such person licensed to practice medicine has personally examined such individual and agrees to treat such individual.

(c) A person licensed to practice medicine may provide any medical treatment to an individual described in subsection (b) if:

(1) There is no reasonable basis to conclude that the medical treatment itself, when administered as directed, poses an unreasonable and significant risk of danger to such individual; and

(2) The person licensed to practice medicine has provided the patient with a written statement and an oral explanation, which the patient has acknowledged by the patient's signature or the signature of the patient's legal representative, that discloses the facts regarding the nature of the treatment, specifically including that the treatment offered is experimental or nonconventional, that the drug or medical device has not been approved by the Food and Drug Administration for any indication, as well as the material risks generally recognized by reasonably prudent physicians of such treatment's side effects.

(d) The treatment of patients in compliance with this act by a person licensed to practice medicine shall not by itself constitute unprofessional practice or conduct.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.